

JAN 29 2004 12:31 FR

TO 13950#562915137# P.01/22

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FAX MESSAGE

Send To:

1. Name: Examiner David Lukton  
Group 1653  
Firm: U.S. Patent and Trademark Office
2. Name: Examiner David Lukton  
Group 1600  
Firm: U.S. Patent and Trademark Office

FAX Number: 571-273-0952  
Telephone Number: 571-272-0952  
FAX Number: 703-872-9306  
Telephone Number:

From:

Name Donald J. Bird

Floor:

Operator Sending.

Telephone Number: 202-739-5320

Time Sent:

Date Sent: January 29, 2004

Number of Pages (INCLUDING COVER PAGE): 22

Note:

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Re:

U.S. Patent Application of Davis et al.  
U.S. Serial No. 09/869,925  
Filed: July 9, 2001  
For: COLCHINOL DERIVATIVES AS VASCULAR  
DAMAGING AGENTS

Group 1653

Examiner: Lukton, David

Comments

The attached Supplemental Preliminary Amendment is being filed via facsimile per telephone request from Examiner Lukton.

Respectfully submitted,  
Donald J. Bird  
Reg. No. 25,323

PATENT  
ATTORNEY DOCKET NO.: 056921-5137RECEIVED  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

DAVIS et al.

Application No.: 09/869,925

Filed: July 9, 2001

FOR: COLCHICINOL DERIVATIVES AS  
VASCULAR DAMAGING AGENTS

Group Art Unit: 1653

Examiner: Lukton, David

Date: January 29, 2004

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

VIA FACSIMILE

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Supplemental Preliminary Amendment.

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449 (9 pages)
- ☐ Copies of cited references
- ☐ Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney with executed Executed Revocation of Power of Attorney and Grant of New Power of Attorney

ATTORNEY DOCKET NO.: 056291-5137  
 Application No.: 09/869,925  
 Page 2

### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	Small Entity Fee
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	410.00	205.00
<input type="checkbox"/> three months	930.00	465.00
<input type="checkbox"/> four months	1,450.00	725.00
<input type="checkbox"/> five months	1,970.00	985.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$0.00

### 4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

ATTORNEY DOCKET NO.: 056791-5137  
 Application No.: 09/869,923  
 Page 3

### 5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	13	minus	20	0	x \$18.00 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$84 each=	\$ 0.00
SUB-TOTAL -						\$ 0.00
Fee for 1 Month Extension of Time						\$ 0.00
Fee for Information Disclosure Statement						\$ 0.00
Reduction by 1/2 for filing by a small entity						\$ 0.00
TOTAL FEE -						\$ 0.00

### 6. Fee Payment

☒ No fee is to be paid at this time.

☒ The Director is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
 Morgan Lewis & Bockius LLP

By:

Donald J. Bird  
 Registration No. 25,323  
 Tel. No.: (202) 739-5320  
 Fax No.: (202) 739-3001

Date: January 29, 2004  
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In re PATENT APPLICATION of:

DAVIS et al.

Application No.: 09/869,925

Filed: July 9, 2001

FOR: COLCHINOL DERIVATIVES AS  
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) Examiner: Lukton, David  
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Date: January 29, 2004

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window: Non-Fee Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

VIA FACSIMILE

Sir:

SUPPLEMENTAL PRELIMINARY AMENDMENT

Supplemental to the Preliminary Amendment included with the Response to  
Restriction Requirement filed September 8, 2003, please further preliminarily amend the  
claims as follows, prior to taking up this application for a first action on the merits: